

PART C

CIVIL APPEALS MANAGEMENT PLAN

1. Notice of Appeal, Transmission of Copy and Entry by Court of Appeals.

Upon the filing of a notice of appeal in a civil case, the Clerk of the District Court shall forthwith transmit a copy of the notice of appeal to the Clerk of the Court of Appeals, who shall promptly enter the appeal upon the appropriate records of the Court of Appeals.

2. Appointment of Counsel for Indigent, Advice by District Court Judge.

If the appeal is in an action in which the appellant may be entitled to the discretionary appointment of counsel under 18 U.S.C. § 3006A(g) but has not had such counsel in the district court and there has been an indication that the appellant may be indigent, the judge who heard the case shall advise the Clerk of the Court of Appeals whether in the judge's judgment such appointment would be in the interests of justice.

3. Docketing the Appeal; Filing Pre-Argument Statement; Ordering Transcript.

Within ten calendar days (see FRAP 26(a)) after filing the notice of appeal, the appellant shall cause the appeal to be docketed by taking the following actions:

- (a) filing with the Clerk of the Court of Appeals an original and one copy of, and serving on other parties a pre-argument statement (in the form attached hereto as Form C or Form C-A, in the case of a petition for review or enforcement of an agency decision, with such changes as the Chief Judge of this Court may from time to time direct) detailing information needed for the prompt disposition of an appeal;
- (b) ordering from the court reporter on a form to be provided by the Clerk of the Court of Appeals (Form D), a transcript of the proceedings pursuant to FRAP 10(b). If desirable the transcript production schedule and the portions of the proceedings to be transcribed shall be subject to determination at the pre-argument conference, if one should be held, unless the appellant directs the court reporter to begin transcribing the proceedings immediately;
- (c) certifying that satisfactory arrangements have been or will be made with the court reporter for payment of the cost of the transcript;
- (d) paying the docket fee fixed by the Judicial Conference of the United States pursuant to 28 U.S.C. § 1913 (except when the appellant is authorized to prosecute the appeal without payment of fees).

at the time of filing Form C or Form C-A in the case of a petition for review or enforcement of an agency decision and Form D, the appellant shall also file:

- (i) a copy of each of the judgments, orders and/or decisions of the U.S. District Court or agency from which review is sought,
- (ii) a copy of each written or transcribed oral opinion rendered in the proceeding from which the review is sought addressing the issues raised on appeal,
- (iii) in those cases where a decision is initially reviewed in the U.S. District Court, e.g., bankruptcy, social security, etc., a copy of all judgments, decisions, orders and opinions reviewed by the U.S. District Court which address the issues raised on appeal.

4. Scheduling Order; Contents.

- (a) In all civil appeals the staff counsel of the Court of Appeals shall issue a scheduling order as soon as practicable after the pre-argument statement has been filed unless a pre-argument conference has been directed in which event the scheduling order may be deferred until the time of the conference in which case the scheduling order may be entered as part of the pre-argument conference order.
- (b) The scheduling order shall set forth the dates on or before which the record on appeal, the brief and appendix of the appellant, and the brief of the appellee shall be filed and also shall designate the week during which argument of the appeal shall be ready to be heard.

5. Pre-Argument Conference; Pre-Argument Conference Order.

- (a) In cases where staff counsel may deem this desirable, the staff counsel may direct the attorneys to attend a pre-argument conference to be held as soon as practicable before staff counsel or a judge designated by the Chief Judge to consider the possibility of settlement, the simplification of the issues, and any other matters which the staff counsel determines may aid in the handling or the disposition of the proceeding.

At the conclusion of the conference the staff counsel shall enter a pre-argument conference order which shall control the subsequent course of the proceeding.

6. Non-Compliance Sanctions.